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|---|------------------------------|--------------------------------|
| 1 | UNITED STATES DISTRICT COURT |                                |
| 2 | DISTRICT OF NEVADA           |                                |
| 3 | NICHOLAS STOCKWELL,          | Case No. 3:21-cv-00149-MMD-WGC |
| 4 |                              | <b>ORDER</b>                   |
| 5 | v.                           |                                |
| 6 | PERRY RUSSELL, et al.,       |                                |
| 7 |                              | Defendants                     |
| 8 |                              |                                |

9 **I. DISCUSSION**

10 On April 1, 2021, Plaintiff, an inmate in the custody of the Nevada Department of  
 11 Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed  
 12 an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff’s application to  
 13 proceed *in forma pauperis* is incomplete.

14 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin  
 15 a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil  
 16 action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the  
 17 inmate must submit all three of the following documents to the Court:

18 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this  
 19 Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on  
 20 page 3),  
 21 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
 22 official (i.e. page 4 of this Court’s approved form), and  
 23 (3) a copy of the **inmate’s prison or jail trust fund account statement for the**  
 24 **previous six-month period**.

25 Plaintiff has not submitted an inmate account statement for the previous six-month  
 26 period. Accordingly, the Court denies Plaintiff’s application to proceed *in forma pauperis*  
 27 (ECF No. 1) without prejudice because the application is incomplete. The Court will grant  
 28 Plaintiff a **one-time extension** to file a fully complete application to proceed *in forma*

1 *pauperis* containing all three of the required documents. Plaintiff will file a fully complete  
 2 application to proceed *in forma pauperis* on or before **June 1, 2021**. Absent unusual  
 3 circumstances, the Court will not grant any further extensions of time. If Plaintiff does not  
 4 file a fully complete application to proceed *in forma pauperis* with all three required  
 5 documents on or before **June 1, 2021**, this case will be subject to dismissal without  
 6 prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to acquire all  
 7 three of the documents needed to file a fully complete application to proceed *in forma*  
 8 *pauperis* or pays the full \$402 filing fee.

9       A dismissal without prejudice means Plaintiff does not give up the right to refile the  
 10 case with the Court, under a new case number, when Plaintiff has all three documents  
 11 needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff  
 12 may choose not to file an application to proceed *in forma pauperis* and instead pay the  
 13 full filing fee of \$402 on or before **June 1, 2021** to proceed with this case.

14       The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court  
 15 will not file the complaint unless and until Plaintiff timely files a fully complete application  
 16 to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

17 **II. CONCLUSION**

18       For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed  
 19 *in forma pauperis* (ECF No. 1) is denied without prejudice to file a new fully complete  
 20 application to proceed *in forma pauperis* with all three documents.

21       IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the  
 22 approved form application to proceed *in forma pauperis* by an inmate, as well as the  
 23 document entitled information and instructions for filing an *in forma pauperis* application.

24       IT IS FURTHER ORDERED that on or before **June 1, 2021**, Plaintiff will either pay  
 25 the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52  
 26 administrative fee) or file with the Court:

27           (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this  
 28 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two

1 || signatures on page 3),

2 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
3 official (i.e. page 4 of this Court's approved form), and

4 (3) a copy of the inmate's prison or jail trust fund account statement for the  
5 previous six-month period.

6 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete  
7 application to proceed *in forma pauperis* with all three documents or pay the full \$402  
8 filing fee for a civil action on or before **June 1, 2021**, this case will be subject to dismissal  
9 without prejudice for Plaintiff to refile the case with the Court, under a new case number,  
10 when Plaintiff has all three documents needed to file a complete application to proceed  
11 *in forma pauperis* or pays the the full \$402 filing fee.

12 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
13 (ECF No.1-1) but will not file it at this time.

14 DATED: April 5, 2021

Walter G. Cobb

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UNITED STATES MAGISTRATE JUDGE